

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Moshe Gold

Case: 24-43647-nhl

Debtor

Chapter 11

Plaintiff's Opposition to Motion to Dismiss

To the Honorable Court:

The creditors Israel Farkash and Asher Blumenberg Respectfully submitted the opposition for the motion to dismiss filed by the debtor.

The motion to dismiss filed by the debtor must be denied for the following reasons:

1. Failure to Satisfy Judgment Obligations

The debtor has failed to satisfy a judgment entered against him over four years ago. But besides he didn't paid the creditor's judgment he also owing over \$5 million to Bank of America (SDNY No. 1:20-cv09911), the debtor has not made any effort to pay his obligations. Instead, he has chosen to spend money on attorneys to file this motion.

2. Fraudulent Conduct

The debtor's attorneys, who also represent him in a related action,(SPRING MEMBER ACTION) have hidden the default judgment for breach of contract from the NJ court. This constitutes fraudulent conduct and a clear disregard for the court's rules and show they part of the fraud in the court, they hide the fact that the debtor claim from contract he himself breached, as we know he cant claim from contract he breached.

3. Proper Service of Summons

The summons was served on the debtor on September 9, 2024, providing him with proper notice of the action. See Affirmation of service as Exhibit "A"

4. Prosecution of the Case

The creditors have not prosecuted the case since the last hearing because they are awaiting the court's decision on the motion to dismiss. Once this motion is resolved, the creditors will proceed with the case in full force.

5. Untimely Service of Motion

The motion to dismiss was served on the creditors on January 8, 2025, which is less than 14 days before the hearing date. According to Rule 9005-1, the motion must be served at least 14 days before the hearing date and if its served by overnight mail have to add extra day for service what make the service on the motion defective.

For these reasons, the court should deny the debtor's motion to dismiss and demonstrate zero tolerance for his conduct in hiding money to avoid paying his creditors.

Respectfully submitted,

Israel Farkash

/s/israel Farkash

9 Ramsey terr

Fair lawn Nj 07410

Asher Blumenberg

/s/asher Blumenberg

33 penington way

Spring valley ny 10950

Certification of service

1. I Asher Blumenberg am over 18 years old, and the information below is within my personal knowledge and belief.
2. I served the debtor the oposition today January 14, 2025 by USPS MAIL to his attorney:

Herrick, Feinstein llp
Steven B.Smith
Tow Park Ave
New York NY 10016

3. I hereby certify that the foregoing statements are true and acknowledge that wilfully false statements may lead to punishment.

Dated: Spring valley NY
January 14, 2025

/s/Asher Blumenberg
Asher Blumenberg
33 Penington Way
Spring Valley NY 10950

Certification of service

1. I David Halpern am over 18 years old, and the information below is within my personal knowledge and belief.
2. I served the debtor on September 9, 2024 the summons of involuntary bankruptcy and copy of the petition (case no. 24-43647-nhl) on

Moshe Gold

63 Flushing Ave
Brooklyn NY 11205

3. I hereby certify that the foregoing statements are true and acknowledge that wilfully false statements may lead to punishment.

Dated:
January 10, 2025

David Halpern

David Halpern
599 State St.
Perth Amboy Nj 08861